

Message Text

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ACTION STR-07

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 AGRE-00 CEA-01
CIAE-00 COME-00 DODE-00 EB-08 FRB-03 H-01 INR-10
INT-05 L-03 LAB-04 NSAE-00 NSC-05 PA-01 CTME-00
AID-05 SS-15 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02
OMB-01 DOE-15 AF-10 ARA-10 EA-10 NEA-11 OIC-02
/169 W

-----011124 092145Z /15

P 091916Z JUN 78
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 0689
INFO AMEMBASSY BRUSSELS

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USMTN USEEC

STR FOR ACTION

STR PASS CODEL

E.O. 11652: N/A
TAGS: MTN, ETRD, EEC
SUBJECT: MTN: U.S. BILATERAL WITH EC ON FUTURE
- WORK IN STANDARDS CODE

REF: (A) GENEVA 8689

1. AS FOLLOWUP TO MCDONALD/DENMAN BILATERAL, U.S.
MTN DEL (NEWKIRK) MET WITH EC REP (MACDONALD) FOR
GENERAL REVIEW OF THE WORK AHEAD ON THE DRAFT STANDARDS
CODE.

2. AGRICULTURAL COVERAGE: MACDONALD SAID HE DOES NOT
SEE ANY TECHNICAL DIFFICULTIES WITH THE CODE TO COVER
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AGRICULTURAL PRODUCTS AND BELIEVED THAT PROCESS AND
PRODUCTION METHODS COULD BE INCLUDED SOMEWHERE IN THE
TEXT. HOWEVER, THEIR AGRICULTURAL EXPERTS STILL HAVE
TO BE CONVINCED TO ACCEPT THE CODE.

3. LEVELS OF OBLIGATION: THE DISCUSSION REVIEWED THE
GROUND COVERED IN THE LAST TWO WEEKS ON THIS TOPIC.

MACDONALD REVEALED THAT IN A COORDINATION MEETING THE MEMBER STATES WERE UNWILLING TO ACCEPT A WEAKER PROPOSAL THAN THAT PUT FORWARD BY THE EC. WE THEN TURNED TO THE IDEA FIRST RAISED BY THE EC AT THE MCDONALD/DENMAN MEETING, I.E., REVERSING THE BURDEN OF PROOF REGARDING "BEST EFFORTS". ACCORDING TO THIS IDEA, THE CODE COULD MAKE EXPLICIT THE LINK WHICH ALREADY EXISTS BETWEEN THE "BEST EFFORTS" OBLIGATION AND DISPUTE SETTLEMENT PROVISIONS. THUS, AN ADHERENT COULD BE CHALLENGED AS TO WHETHER THE EFFORTS UTILIZED WERE "BEST". THE INTERPRETATION OF BEST EFFORTS, UNDER THIS APPROACH, WOULD EMERGE THROUGH CASE LAW. GIVEN THE SITUATION VIS-A-VIS THE MEMBER STATES, THE EC FEELS TIED TO ITS LANGUAGE AT THIS STAGE AND BELIEVES ITS PROPOSAL MUST BE PUT FORWARD AT THE NEXT SUBGROUP MEETING. IN RESPONSE TO U.S. OBSERVATION THAT SUCH A MOVE WOULD NOT ADVANCE THE WORK, EC URGED U.S. TO PRODUCE A COUNTER PROPOSAL ALONG THE LINES OF THE ABOVE DISCUSSION. U.S. DEL PROMISED TO CONVEY THESE THOUGHTS TO WASHINGTON AND SHARED THE EC'S OBJECTIVE OF TRYING TO NARROW DIFFERENCES ON THIS ISSUE BY THE JUNE 20 STRAUSS/HAFERKAMP MEETING.

4. NORDIC PROPOSAL ON CERTIFICATION SYSTEM: EC HAS NO BASIC DIFFICULTIES WITH THE NORDIC PROPOSAL EXCEPT WITH THE CONCEPT OF "ACCESS" TO CERTIFICATION SYSTEMS. LIMITED OFFICIAL USE

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MACDONALD HOPES TO HAVE A POSITION ON THE PROPOSAL BY NEXT WEEK AT WHICH TIME U.S. AND EC DELS WILL REVIEW THE CURRENT DRAFT CODE TEXT IN DETAIL.

5. ACTION REQUESTED: U.S. MTN DEL WOULD APPRECIATE WASHINGTON RESPONSE AS SOON AS POSSIBLE ON IDEA CONCERNING LEVELS OF OBLIGATION DISCUSSED PARA 3 ABOVE AS TO WHETHER IT PROVIDES POSSIBLE BASIS FOR RESOLVING THIS ISSUE.

6. DRAFTED BY WALLAR. MCDONALD

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NNN

Message Attributes

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Current Classification: UNCLASSIFIED
Concepts: STANDARDS, TARIFFS
Control Number: n/a
Copy: SINGLE
Draft Date: 09 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
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Disposition Reason:
Disposition Remarks:
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ISecure: 1
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TAGS: ETRD, MTN, EEC
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